

A Public Hearing and Regular Meeting of the Apalachicola City Commission was held on Tuesday May 7, 2024, at 4PM, at the former Apalachicola Municipal Library located at 74 6th St., Apalachicola, FL.

Present: Mayor Brenda Ash, Commissioner Anita Grove, Commissioner Despina George, Commissioner Donna Duncan, City Manager Travis Wade, City Attorney Dan Hartman, City Clerk Sheneidra Cummings, Finance Director Lee Mathes, and Chief of Police Bobby Varnes

Mayor Ash called the meeting to Order followed by invocation and allegiance.

AGENDA ADOPTION

Motion was made to adopt agenda Elliott, seconded by Commissioner Grove. Motion carried 4-0.

PRESENTATION: Chestnut Cemetery Tree Removal

Caty Green, presented on behalf of Apalachicola Historical Society (AHS) and provided background information on the scope and purpose of the grant AHS applied for and referenced the attachments submitted with board action request.

Gregory Vance presented on behalf of Torben Madsen and covered the concern(s) raised by Richard Bickel regarding proper procedure of having trees removed, vitality of trees that are proposed to be removed, as well as the date of the previous arborist report,

PUBLIC COMMENT

Diane Peck provided a list of Apalachicola Historical Society members and their role in the organization.

Dennis Winterringer spoke about AHS' communication and coordination with Staff and prior approval to remove trees in Chestnut Cemetery, also noting that proper procedure was followed.

Earl Mirus briefly clarified his findings and recommendation in the arborist report submitted by Torben Madsen and provided statistics on trees and their significance.

Creighton Brown commented on the tree report pinned by Mr. Mirus and disagreed with various comments such as the replacing of headstones, fences, and the viability of trees that have been selected for removal.

Shan Raetzloff spoke in support of the tree removal and preservation of grave and historic monuments in Chestnut Cemetery. Mrs. Raetzloff also presented on behalf of AHS a handout from

Mark Curenton was presented to the commissioner and was not given to the Clerk. Ratzloff presented on behalf of herself and mark 4:28. (Presented handout with cemetery on cover)

Linda Buchanan spoke about Chestnut Cemetery and the importance of preserving headstones and monuments in all cemeteries.

Elizabeth Milliken supports the preservation of graves and monuments and urged the commission to not only focus on the trees themselves.

Henry Martin supports the preservation of the cemeteries and the monuments.

Commissioner Grove agreed with both Mr. Muris and the recommendation(s) from historic preservation experts and hopes to seek a common resolution. Commissioner Grove suggested the City Manager and Code Enforcement work with the Historical Society, Tree committee and an arborist to identify and agree on which trees need to be removed and prune the remaining trees. Encourages the City manager to work with the resources that are available and come to a solution.

Commissioner George spoke in support of the Historical Society and referenced the grant application that was endorsed by the City. Commissioner George concurs with Commissioner Grove and would like to see the City bridge the gap between both groups, consult with preservation experts and an arborist to determine which trees can be removed.

Commissioner Duncan clarified the recommendation from the Commission, i.e., follow the City tree ordinance and removal process and take both arborist reports into consideration and consult with experts if necessary to identify and agree on which trees are to be removed in Chestnut Cemetery. Commissioner Duncan strongly supports the protection and preservation of the family plots and headstones and would like the City to maintain the cemetery and make it safe for visitors and determine what is allowed and what is not allowed.

Commissioner George referenced the original tree removal schedule and stated that an agreement was previously reached to identify which trees needed to be removed and the purpose of this current direction to staff is to discuss the remaining trees that are in dispute.

Mayor Ash would like to see both the Historical Society and citizen group(s) work together, meet with Manager Wade, Attorney Hartman, and Code Enforcement and reach a compromise.

Motion made by Commissioner Grove to have City Manager Wade, a member of Tree Committee, a representative from the Historical Society and one person from the citizen(s) group meet to reach a resolution by the end of May and determine which trees will be removed and which are to be trimmed. Discussion, Mayor Ash suggested that another member of the Tree Committee be present at the meeting with CM Wade and others due to the Tree Committee Chair also being a member of the Historical Society. Motion carried 4-0.

PUBLIC HEARING: 2ND reading of Ordinance 2024-01

Attorney Hartman read Ordinance 2024-01 as follows, AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 2005-11, (92-9), (88-5), (80-11), (72-4), ADOPTED BY THE CITY COMMISSION OF APALACHICOLA FLORIDA; PROVIDING FOR NEW CATEGORIES FOR OCCUPATIONAL, BUSINESS, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS; PROVIDING A NEW SCHEDULE FOR THE PAYMENT AND ENFORCEMENT OF OCCUPATIONAL LICENSE TAX ON BUSINESSES, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS WITHIN THE CITY OF APACHICOLA, FIXING THE AMOUNTS THEREOF; TO AMEND PART II- CODE, SUBPART A, GENERAL ORDINANCES CHAPTER 22- LICENSES AND BUSINES REGULATIONS, ARTICAL E II, BUSINESS TAX RECEIPTS, SECTION 22-20 TO 22-31; PROVIDING PENALTIES FOR FAILURE TO PAY THE SAME; PROVIDING FOR TRANSFER OF LICENSE FEE; PROVIDING FOR SERVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

No further comments regarding Ordinance 2024-01.

PUBLIC COMMENTS (contin.)

Leslie Coon presented expressed concerns about Leslie Street being closed in front of her business location as well as the lack of upkeep on the sidewalk and/or pedestrian walkway(s). Coon also inquired about a timeline for repairs on Leslie Street.

Faye Gibson inquired about her residency and would like the Commission to clarify their policy on what determines residency. Mrs. Gibson stated that she would like to continue to serve on the Parks & Recreation Committee.

Kathy Jansen, inquired about using the Community Center located at 1 Bay Ave, free of charge to offer free/donation-based yoga classes.

Mayor Ash stated the Commission will follow up on her request with Manager Wade.

No other public comments.

NEW BUSINESS #1: HCA Building DHR Grant

Commissioner Grove presented the Commission with DHR grant information and requested the Board's action to authorize Staff to apply for the grant which would cover the cost of the remaining repairs in the HCA building. Commissioner Grove stated the grant is a 2-year special category grant for \$350,000.00 that requires a requires a 25% match. Grove shared that the last grant repair project came in under budget, leaving approximately \$19,000.00 from that grant which could be used towards the match requirement for the proposed DHR grant application. Grove went over the list of repairs provided by former HCA members who currently utilize the HCA building as a temporary African American Museum.

A motion was made by Commissioner Grove to authorize Staff to apply for phase II the DHR grant, seconded by Commissioner Duncan. Discussion, Commissioner George. Commissioner George inquired about the scope of work relative to the grant amount to be applied for i.e., \$350,000.00. Commissioner Grove suggested that Cindy Clark provide clarification to the Commission. Mrs. Clark provided the Commissioner with clarification on the scope of the grant. Motion carried 4-0.

NEW BUSINESS #2: Donna Ingle, Perks & Recreation Committee

Mrs. Ingle requested the Commission approve the planting of milk weeds at 12th Street and Bay Ave, commonly known as “Bay Ave Park”.

A motion was made by Commissioner George to approve the request to plant milk weeds at 12th Street and Bay Ave, also known as “Bay Ave Park”, seconded by Commissioner Duncan. Motion carried 4-0.

NEW BUSINESS #3: Attorney Hartman- Quit Claim Deed

Dan Hartman informed the Commission of a potential title issue for a lot that the City previously owned and transferred said property to the County many years ago. Attorney Hartman recommended that the Commission file a Quit Claim Deed to release any interest in the transferred property to the County to clear up any title issues and pursue funding for their Armory renovation project.

Commissioner Grove recommended that the City authorize the mayor to execute a quick claim deed regarding any ownership the City may have in the Coombs Armory property, seconded by Commissioner George. Motion carried 4-0.

UNFINISHED BUSINESS #1: 2nd Reading of Ordinance 2024-01

Attorney Hartman read Ordinance 2024-01 as follows, AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 2005-11, (92-9), (88-5), (80-11), (72-4), ADOPTED BY THE CITY COMMISSION OF APALACHICOLA FLORIDA; PROVIDING FOR NEW CATEGORIES FOR OCCUPATIONAL, BUSINESS, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS; PROVIDING A NEW SCHEDULE FOR THE PAYMENT AND ENFORCEMENT OF OCCUPATIONAL LICENSE TAX ON BUSINESSES, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS WITHIN THE CITY OF APALACHICOLA, FIXING THE AMOUNTS THEREOF; TO AMEND PART II- CODE, SUBPART A, GENERAL ORDINANCES CHAPTER 22- LICENSES AND BUSINESS REGULATIONS, ARTICLE II, BUSINESS TAX RECEIPTS, SECTION 22-20 TO 22-31; PROVIDING PENALTIES FOR FAILURE TO PAY THE SAME; PROVIDING FOR TRANSFER OF LICENSE FEE; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Grove to approve 2nd reading and adoption of Ordinance 2024-01, seconded by Commissioner Duncan. Discussion, Commissioner George. Commissioner George disagreed with increasing rates for business licenses tax receipts. Commissioner Grove expressed support of the staff's effort and recommendation(s). Motion carried 3-1, Commissioner George opposed.

UNFINISHED BUSINESS #2: Resolution for State Revolving Loan Fund for LSL Inventory

Manager Wade presented background information on the State Revolving Loan Fund and their requirement to adopt a resolution. Attorney Hartman read Resolution 2024-03 in its entirety.

Motion was made by Commissioner Grove to approve Resolution 2024-03, seconded by Commissioner George. Motion carried 4-0.

UNFINISHED BUSINESS #3: Franklin County Republican Executive Committee (FCREC)

On behalf of the FCREC, Mr. Bryant Banks requested that the Commission authorize the Non-partisan organization to lease space at the City Hall building. Additionally, Mr. Banks requested that the Commission reduce the rental rate and offer FCREC the non-profit rate.

Discussion held.

Commissioner Grove asked Attorney Hartman for his recommendation.

Attorney Hartman recommended that the Commission be consistent and offer a lease agreement based on fair market value which is \$. 29/sq. ft. bringing the monthly rental rate to \$250/month.

Mr. Banks commented on Attorney Hartman's recommendation and asked the Commission to honor a reduced rate since they've allowed other non-profit organizations a reduced rental rate. Mr. Banks asked the Commission to approve a rental rate of \$1200/year with a \$300 security deposit.

Commissioner George expressed a few concerns regarding the Commission's ability to rent space to a political organization as well as, possible zoning issues that would be an issue if renting space to a non-public charity organization versus a public charity organization such as a 501(c)(3) organization.

Discussion held.

Attorney Hartman offered insight based on previous determinations made by the previous City Attorney and Commission stating that, in the past, the Commission recognized not-for-profit organizations and approved renting space(s) to the various organizations without requiring specific Internal Revenue Code documentation to identify how that particular non-profit is structured and

the request to lease made by the FCREC is no different for any other organization that the City approved.

Discussion held.

Motion made by Commissioner George to approve the leasing of a space at City Hall Complex for Franklin County Republican Executive Committee, at a market rate of \$.29/sq. ft., seconded by Commissioner Duncan. Discussion, Commissioner Grove recommended that the Commission clarify the City's rent policy and procedures and further define the term "not-for-profits" particularly when it comes to the types of not-for-profit organizations the City is willing to rent space to. Motion carried 4-0.

UNFINISHED BUSINESS #4: Rules of procedure

Manager Wade provided context to the proposed changes to the Rules of Procedure and presented the Commission with recommendations submitted by Mayor Ash and Commissioner George.

Mayor Ash asked Attorney Hartman to clarify the legal definition of residency.

Attorney Hartman clarified that the term "residency" refers to the location of your permanent home, where a person is registered to vote, as well as the place where a person has a homestead exemption or the ability to file for a homestead exemption. Attorney Hartman further clarified that volunteer(s) have to be a resident in order to serve on any citizen committee(s).

Commissioner Grove suggested that the City follow the State's definition of residency i.e., where a person votes and where they have their homestead exemption, if applicable.

Discussion held.

Attorney Hartman informed the Commission that the definition of residency is defined in the City's code.

Discussion held.

No further comments regarding residency.

Manager Wade proceeded with the proposed edits to the Rules of Procedure.

Commissioner George discussed her recommendations that were provided as an attachment and recommended the Commission hold a workshop before making any changes to the Rules of Procedure.

Commissioner Duncan, no comment.

Commissioner Grove, commented on the ability of citizens to be able to serve on more than one citizen/volunteer committee. No further comments.

Manager Wade clarified his recommendations for this task and the direction given by the Commission at a previous commission meeting for him to review the City's Rules of Procedures document and make recommendations.

Discussion held.

Commissioner Duncan commented on liability issues and provided various reasons why the Commission is having to address volunteer committees and ensure that all citizen boards/volunteer committees adhere to the City's rules of procedure.

Mayor Ash expressed appreciation for volunteers on the City's various citizen boards and suggested that the Commission be consistent with the application of the Rules of Procedure further stating that all committees/citizen boards have should have rules that all volunteers are required to adhere to.

Discussion held.

Commissioner George recommended not to make any changes to the Rules of Procedure unless the Commission agrees to a workshop and discuss specific recommendations proposed by Manager Wade and the Commission.

Motion made by Commissioner George workshop any Rules of Procedure issue(s) and reject making changes to the current Rules of Procedures unless the Commission agrees to a workshop and/or review the City's internal policies to determine if the Commission is following the current Rules of Procedure. Motion withdrew by Commissioner George.

A motion was made by Commissioner Duncan to schedule a workshop to review the Rules of Procedures to ensure that the City's internal procedure is consistent with the Rules of Procedure. Seconded by Commissioner Grove. None opposed. Date requested by Mayor Ash. The Commission agreed on May 21, 2024, for the Rules of Procedure Workshop, at 6pm. Motion carried 4-0.

UNFINISHED BUSINESS # 5: Appointment to P&Z Board

Motion made by Commissioner George to appoint Greg Gologowski as the P&Z Alternate member, seconded by Commissioner Grove. No discussion. Motion carried 4-0.

UNFINISHED BUSINESS # 6: Cemetery Use for Events

Manager Wade is requested that the Commission determine if they're going to allow or prohibit cemeteries to be used for events.

Discussion held.

Mayor Ash opened the discussion for additional public comments.

Shan Raetzloff commented.

Linda Thompson commented.

Mayor Ash suggests creating a "use policy" for Chestnut Cemetery and asked Attorney Hartman to provide the Commission with a recommendation including any legal implications for allowing for use of the cemetery for events where proceeds are completely invested/donated to the City for the maintenance of the cemetery versus not allowing use for private, for-profit events.

Attorney Hartman provided clarification regarding the legal right of the City to restrict, allow, and/or control access and operations in the cemeteries being the owner and custodian of the cemeteries. Hartman also gave a recommendation stating that the City could authorize access to the cemetery for certain purposes after dark and established hours of operation like what is currently established for all City parks. Hartman left it up to the Commission to determine the types of activities they would allow and or sanction in the cemeteries.

A motion was made by Commissioner George to approve the Apalachicola Historical Society to conduct a historical ghost walk event on May 18, 2024, seconded by Commissioner Grove. Discussion, Commissioner Duncan. Motion carried 4-0.

Regarding commercial use(s) of cemeteries, a motion was made by Commissioner Grove to prohibit use of Chestnut Cemetery at night for-profit tours and/or events. Seconded by Commissioner George. No discussion. Motion carried 4-0.

1ST Reading Ordinance 2024-02

Attorney Hartman read Ordinance 2024-02 by title as follows, AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING FOR THE REGULATION OF ACCESS TO CITY OWNED, CONTROLLED OR LEASED PROPERTY; PROVIDING FOR PURPOSE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

PUBLIC COMMENT

Mason Bean, Bring Me A Book (BMAB) expressed concern about Ordinance 2024-02 in that, it does not consider of the organizations that lease space from the City at City Hall building. Mr. Mason suggests that all tenants have their own access to the City Hall building to avoid being disruptive to any City business or personnel.

Manager Wade stated that the BMAB organization does have access to their room(s) and that the doors are now equipped with a new locking system that would allow access from the previously restricted entrance way.

No further comments.

A motion was made to approve Ordinance 2024-02 for Public Notice and 2nd reading by Commissioner Grove, seconded by Commissioner Duncan. Motion carried 3-1. Commissioner George opposed.

MAYOR AND COMMISSIONER COMMENTS

Mayor Ash thanked the City Staff for their hard work and dedication to their roles.

Mayor Ash directed City Clerk to reach out with Mrs. Coon and gather her suggestions on how the City can assist with the various concerns she presented.

Commissioner Grove commented on general grant processes and the lack of definitive timelines when applying for and awaiting grant awards. Commissioner Grove highly recommends having all grant updates posted online so that the public could have direct access to all grant information. Commissioner Grove commended the Finance Director for her efforts in organizing all the grant contracts and provided an update on the Resilient Apalachicola Bay Committee.

Commissioner Duncan inquired if a partnership between Apalachicola Historical Society and the City would be beneficial for the city for the purposes of maintaining Chestnut Cemetery. Commissioner Duncan shared that she spoke with Mr. Jimmy Gander, and he expressed thanks to City Staff for promptly rectifying his concern presented at the last meeting.

Attorney Hartman commented.

Discussion held.

Commissioner George commented on the public's ability to question and encourage the Commission to address public concern. Commissioner George commented on specific tasks that were directed at Staff and presented at the last commission meeting and suggested Staff provide an update to the Commission. Commissioner George also expressed concerns about whether proper grant procedures were followed regarding the Inflation Reduction Act grant submission and would like for the Commission to review the City's Grant Procedures at the June meeting.

Furthermore, Commissioner George requested updates for ARPA project allocations, and for tasks previously directed at Staff.

Manager Wade provided clarification regarding the application process for the Inflation Reduction Act grant as well as the cost estimates for ARPA projects that were presented with his manager's report.

Commissioner Duncan also requested follow up from Manager Wade regarding proper grant procedure.

Manager presented his report and provided updates.

FINANCE DIRECTOR REPORT provided.

ATTORNEY'S REPORT

Hartman presented his report and provided updates on MuniCode, Mr. Robert Davis, as well as ongoing litigation(s).

Discussion held.

CONSENT AGENDA

Motion was made by Commissioner George to adopt the consent agenda, seconded by Commissioner Grove. No discussion. Motion carried 4-0.

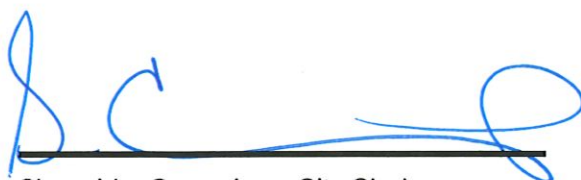
DEPARTMENT REPORTS

All department reports provided.

Motion to adjourn made by Commissioner Grove, seconded by Commissioner Duncan. Motion carried 4-0.



Brenda Ash, Mayor



Sheneidra Cummings, City Clerk